<center>**REMARKS**</center>

Please reconsider the present application in view of the above amendments and following remarks. Applicants thank the Examiner for carefully considering the present application.

By way of this reply, claims 1-3, 6, 8, 9, 11-13, 15, 17, 18, 20, 24-26, and 28 have been amended, claims 4, 14, and 23 have been canceled, and no claim has been added. Claims 1-3, 6-13, 15-22, and 24-29 are pending upon entry of this amendment.

<center>**Response to Claim Rejections Under 35 USC 102 in View of Peng**</center>

In paragraphs 7 and 8 of the Office Action, the Examiner rejected claims 1-4 and 6-29 under 35 USC § 102(e) as allegedly being anticipated by U.S. Patent Publication No. 2004/0098361 to Peng ("Peng"). Applicants respectfully traverse these rejections as applied to the amended claims.

Independent claim 1 as amended recites:

A method for installing a software component on a recipient computing device on a network connected to a donor computing device comprising the software component, the method comprising:

monitoring resource usage by software applications running on the recipient computing device, wherein the monitored resource usage comprises usage of the network by the software applications;

determining a need of the recipient computing device for a software component;

initiating a transfer of the software component from the donor computing device to the recipient computing device via the network during a time period

when sufficient network bandwidth is available to not adversely impact usage of the network by the software applications; and

initiating an installation of the software component on the recipient computing device during a time period selected based on the determined need and the monitored resource usage that does not adversely impact the software applications.

As amended, independent claim 1 beneficially recites a method for installing a software component on a recipient computing device without adversely impacting other software applications on the recipient computing device. The method monitors resource usage by software applications running on the recipient computing device. The resource usage includes network usage. The method determines a need of the recipient computing device for a software component, and initiates a transfer of the software component to the recipient computing device during a time period when sufficient network bandwidth is available to not adversely impact network usage by the software applications. The method then initiates an installation of the software component on the recipient computing device during a time period selected based on the determined need and the monitored resource usage that does not adversely impact the software applications.

Peng, among other differences, does not disclose "monitoring resource usage by software applications running on the recipient computing device, wherein the monitored resource usage comprises usage of the network by the software applications" and "initiating a transfer of the software component from the donor computing device to the recipient computing device via the network during a time period when sufficient network bandwidth is available to not adversely impact usage of the network by the software applications" as recited in claim 1. Peng discloses an upgrade system for providing automatic embedded

software component upgrades on host devices. See Peng, Abstract. When an upgrade becomes available, the server transfers appropriate upgrade files to the client device. See Peng, paragraphs [0035-36]. Each host device has an upgrade controller which includes a resource monitor/planner, which gathers usage information, and launches an upgrade when not interrupting normal operation and not violating user preferences. See Peng, paragraphs [0015], [0043], and [0049]. Peng does not teach monitoring network usage or scheduling a network transfer based on the monitored network usage.

Dependent claim 4 previously recited monitoring network usage of the software applications, and initiating a transfer of the software component during a time when it does not adversely impact the software applications. The Examiner cited paragraphs [0041-44] and [0047-49] of Peng as support for rejecting claim 4. However, the cited sections merely teach an upgrade controller that gathers usage information of a client device such as memory availability and remaining battery life, and launches an upgrade when the upgrade process does not interrupt normal operation of the client device and does not violate user preferences. These sections, like the rest of Peng, are totally silent as to monitoring software applications' network usage and initiating software transfer when not adversely impacting the software applications.

In view of the above, Peng fails to disclose each and every limitation recited in independent claim 1 as amended. Thus, independent claim 1 is patentably distinguishable over the cited reference for at least the reasons discussed above. Independent claims 11 and 20, and the dependent claims, are allowable for at least the same reasons.

In addition, dependent claims 6, 7, 10, and 27 recite additional limitations that are not taught in Peng. For example, claim 6 teaches monitoring the transfer of the software component and reducing a transfer rate for the transfer of the software component based on an increase in the usage of the network by the software applications. The Examiner cited paragraphs [0031-34] for supporting the rejection of claim 6. These paragraphs merely teach an infrastructure that includes a software component certification server, an upgrade manager, and an upgrade server, and are totally silent as to the additional limitations in claim 6. Thus, dependent claim 6 is patentably distinguishable over the cited reference for at least the reasons discussed above. Dependent claims 7, 10, and 27 depend on claim 6, and recite additional limitations not taught in Peng. Therefore, dependent claims 7, 10, and 27 are allowable for at least the same reasons.

Accordingly, withdrawal of the § 102 rejection is respectfully requested.

Conclusion

In sum, Applicants respectfully submit that claims 1-3, 6-13, 15-22, and 24-29, as presented herein, are patentably distinguishable over the cited references. Therefore, Applicants request reconsideration of the basis for the rejections to these claims and request allowance of them.

Should the Examiner wish to discuss the above amendments or if the Examiner believes that for any reason direct contact with Applicants' representative would help to advance the prosecution of this case to finality, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully Submitted,
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